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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,815	09/05/2000	Shell S. Simpson	10002267	7462

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,815

Applicant(s)

SIMPSON, SHELL S.

Examiner

Saeid Ebrahimi-dehKordy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 16-21 and 26-33 is/are allowed.
- 6) ☐ Claim(s) 9, 14, 15 and 22 is/are rejected.
- 7) ☐ Claim(s) 10-13, and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claim 9 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al (U.S. patent 6,932,523)

Regarding claim 9 Yamada et al disclose: A method of tracking time and date with a printer and managing that printer accordingly, the method comprising appending time/date to a print job sent to said printer from a printer client (note column 1 lines 14-24 where the client transmits the print management data to the printer including the time and date) having a clock circuit (since the client is sending the time/date information to the print job, the means to do so which is timer of clock would be inherent, also note column 26 lines 42-43 where the time is set based on the client device).

Regarding claim 22 Yamada et al disclose: Computer readable instructions recorded in the medium for storing compute readable instructions, said instructions being used by a system of tracking time and date with a printer and managing that printer accordingly, wherein set a first set of said instructions causes a processing

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device in the printer client device to append time/date data to a print job sent to said printer (note column 1 lines 14-24 where the client transmits the print management data to the printer including the time and date) where said printer client device has a clock circuit that outputs time/date data (since the client is sending the time/date information to the print job, the means to do so which is timer of clock would be inherent, also note column 26 lines 42-43 where the time is set based on the client device).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (U.S. patent 6,932,523) in view of Yamaguchi et al (Pub.No: US 20030123079)

Regarding claim 14 Yamada does not quite disclose: the method of claim 9, further comprising maintaining said printer in an operating mode during pre-define hours and days based on output from said clock circuit of said printer. On the other hand Yamaguchi et al disclose: the method of claim 9, further comprising maintaining said printer in an operating mode during pre-define hours and days based on output from said clock circuit of said printer (note page 8, paragraph 0182-0189 where the schedule of printing is set in terms of date and time, also note page 16 paragraph 0282 where the timer or clock in the printer is setting up the printing). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Yamada

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et al 's invention according to the teaching of Yamaguchi et al, where Yamaguchi et al in the same filed of endeavor teach the way the printing data is set for the specific time to be printed for the purpose of prioritizing the printer resources.

6. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (U.S. patent 6,932,523) in view of Jeyachandran et al (Pub.No: US 20050099646)

Regarding claim 15 neither Yamada et al disclose: the method of claim 9, further comprising avoiding performance of calibration procedures during pre-define hours and days based on output from said clock circuit of said printer. On the other hand Jeyachandran et al disclose: avoiding performance of calibration procedures during pre-define hours and days based on output from said clock circuit of said printer (note page 33 paragraph 797 where the repair is being done by the client and not by the server). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Yamada et al 's invention according to the teaching of Jeyachandran et al, where Jeyachandran et al et al in the same ^{KAW build} filed of endeavor teach the way the printing data is ^{KAW performed} ~~performed~~ by the printer and not the print server in order to loss the extra time needed to do the repair.

Allowable Subject Matter

7. Claims 1-8, 16-21 and 26-33 are allowed.
8. Claims 10-13 and 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for **formal** communications; please mark
"EXPEDITED PROCEDURE")

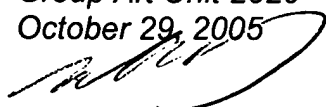
Or:

(703) 306-5406 (for **informal** or **draft** communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626
October 29, 2005



KA Williams
KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER